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10/678,407	10/03/2003	Teruhiko Fujisawa	MM4641	9999

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/678,407	FUJISAWA ET AL.
	Examiner	Art Unit
	NANCY MEHTA	3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _04 November 2008_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-5 and 7-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-5 and 7-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _03 October 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

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DETAILED ACTION

Status of Application

This office action is in response to the amendments and arguments filed by applicant on 11/04/2008.

- Claim 10, 15, and 18 are amended

- No claims are cancelled

- No claims are added

- Claims 1-5 and 7-20 are pending

New Matter Rejection

The amendment filed 11/04/2008 containing amended claims 10, 15, and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

For instance, claims 10, 15, and 18 recite "creating a transaction management process under the sole control of the credit card user and running the transaction management process", where the limitation " creating a transaction management process" does not have adequate support in the specification to suggest to one of ordinary skill in the art at the time of the invention that such a transaction management process can be created under the sole control of the card user.

Since the examiner was unable to find adequate support in the specification for

the newly added limitation, the examiner requests applicant to provide further

clarification of support in the specification for the newly added claimed limitations.

However, in order to promote compact prosecution, the examiner has fully

considered the amended claims and the response to the amended claims is

provided in the Office Action below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

Claims 1 – 5 and 7 – 9 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Nel (2001/0002468) in view of Alberth Jr. et al. (7,206,847) and

further in view of Yoshida (2002/0040340).

As per claim 1: Nel shows:

A data processing system for processing and storing information relating to purchases

made by a credit card user having with one or more credit cards (Abstract, Summary,

[0088]: where the system and software in Nel enables a user to utilize the ATM machine

to purchase products. The user will need to swipe the card in the card reader slot (6(a))

for the transaction to be able to proceed) comprising:

a portable storage device independent of the credit card used to make a credit

card purchase, said storage device having a rewritable nonvolatile memory unit for

storing credit card usage information of purchase transactions by the credit card user for

each of said one or more credit cards (Page 4, [0096]: where the portable storage

device is used to transfer information from one machine to another.)

although Nel shows a portable storage device (page 4, [0096]) and credit card

account (Fig. 6(b) and 6(c)), Nel does not explicitly show "purchase transactions by the

credit card user for each of said one or more credit card". Alberth shows "of purchase

transactions by the credit card user for each of said one or more credit card" (Fig. 1,

lines 15 – 24: where the system in Alberth utilizes a two part personal storage device, or

a smart card, to store credit card numbers, bank account numbers, etc. This card would

be utilized for storing information about one or more credit cards that would be utilized

for making purchase transactions.). It would have been obvious to one of ordinary skill

in the art at the time the invention was made to provide the teachings of **Alberth** in the

system of **Nel**, in order to enhance the security of personal data storage device (smart

card) by providing to the smart card an additional layer of security in the form of an

enabling key, which when coupled to the smart card enables the processor on the smart

card to access and change storage information (column 1, lines 50 – 55: where the

combination of the smart card information storage system to the system of Nel would

allow customers to utilize multiple cards and store pertinent information with added

security against fraudulent practices and loss of data.).

a first data processing device for running a write process for generating card

usage information for a payment made with a credit card when a credit card is used to

make a purchase, and writing the credit card usage information to the portable storage

device (Fig. 17: where the system (#100) shows an ATM (#112) capable of reading

cards and processing information independently and in conjunction with the computer

centers of various financial institutions (#122A – 122D). The processor on the ATM

machine is the first data processing device); and

a second data processing device under the control of the credit card user

comprising a processor for running a read process to read card usage information for

each credit card written to the portable storage device (Fig. 17: where the system

(#100) shows an ATM (#112) capable of reading cards and processing information

independently and in conjunction with the computer centers of various financial

institutions (#122A – 122D). The processor that interacts with the ATM machine to verify

user identity, and then interact with the financial institution to confirm identity, would be

the second processor. Since the user has the possession of the credit card, and the

user would need to input information to verify his or her identity, the second data

processing device would be under the credit card user's control. The second data

processor being activated by the user swiping the card in the card reader involves

exercising control over the activation of the processor. [0096]: where the portable

storage device when swiped initiates the ATM machine to read and download system
software.); and

although Nel shows an account, such as a credit card account, which would have
a periodic billing statement, and payment deadlines ([0106]). Nel does not explicitly
show "wherein the card usage information includes a payment deadline for the credit
card used for purchases;

the second data processing device further comprises an input unit for specifying
a billing month for the credit card,"

however, Yoshida shows "wherein the card usage information includes a
payment deadline for the credit card used for purchases;" (such as Abstract, [0013],
[0014], [0039], [0046], and [0065])

Yoshida also shows "the second data processing device further comprises an
input unit for specifying a billing month for the credit card" (such as Abstract, [0013],
[0014], [0039], [0046], and [0065]).

It would have been obvious to one of ordinary skill in the art at the time the
invention was made to provide the teachings of **Yoshida** in the device of **Nel**, in order to
provide a transaction supporting method and apparatus that supports making payment
of a transaction (Yoshida, ([0012]-[0013]: where the combination of Nel and Yoshida
would allow the payment of transactions by customers to be made in a more timely
manner.).

Nel further shows "<u>the storage unit of the second data processing device further</u>

<u>storing balance data for the settlement account</u>" ([0096]: where the transaction-related

information could be stored on portable storage device in Nel.)<u>, and</u>

Nel also shows "<u>wherein the processor of the second data processing device</u>

<u>includes means for calculating the total of payment amounts included within the</u>

<u>payment deadline in the billing month specified using the input unit, comparing the total</u>

<u>of payment amounts included within the payment deadline in the specified billing month</u>

<u>with the account balance, and determining and reporting if the settlement amount due</u>

<u>from the settlement account can be debited</u>" (Fig. 6(b) and 6(c), [0106]: where system

verifies the validity of the transaction, for instance, to check for sufficient balance in the

account making the transaction payment.).

As per claim 2: Nel shows:

A data processing system according to claim 1 further comprising means for enabling

the portable storage device to communicate wirelessly with said first and/or second data

processing [[portable storage]] device (Page 4, [0096]: where the portable storage

device is used to transfer information from one machine to another. Since a smart card

is a portable storage device that the disclosure in Nel is able to use, the user may use

wireless smart cards to communicate wirelessly with the first and second data

processing devices.).

As per claim 3: Nel shows:

A data processing system according to claim 2, wherein the card usage information includes a payment amount and credit card number for the credit card used to make a purchase; and wherein the processor of the second data processing device executes a transaction management process based on the card usage information read by the read process for grouping and sorting payment amounts by credit card number and for executing a calculation process for calculating totals for the sorted payment amounts (Page 1, [0009]: wherein a transaction is processed by automatically initiating payment by the purchaser for the amount equal to the value of the transaction. Fig. 14 (a) – 16 (a): where the customer account is verified. Page 5, [0105]: wherein the card is inserted at the ATM, in order to access user's account information, the transaction system (#10) then asks the user to verify the PIN or the access code. Once the transaction is confirmed the transaction information is then transmitted to the vendor database where it is stored and used to update the system. This updating process involves sorting of the transaction information based on product criteria.).

As per claim 4: Nel shows:

A data processing system according to claim 3, wherein the card usage information further includes a payment deadline for the credit card used for purchases;

and the second data processing device further comprises an input unit for specifying a billing month for the credit card,

wherein the processor of the second data processing device includes means for calculating the total of payment amounts included within the payment deadline in the billing month specified using the input unit.

(Page 5, [0106]: where if the purchaser does not have enough fund in his or her account, the purchaser is given an opportunity to utilize his or her credit card account(s) for making payments. Such credit card account(s) has payment deadline, and monthly billing processes. The billing process involves calculation of the total payment amount included within the billing month specified.

Page 5, [0110]: where if the purchaser does not have enough fund in his or her account, the purchaser is given an opportunity to utilize credit facilities based on credit evaluation criteria. Such credit facilities have payment deadlines, and monthly billing processes. The billing process involves calculation of the total payment amount included within the billing month specified.).

As per claim 5: Nel shows:

A data processing system according to claim 2, wherein the card usage information includes a payment amount and credit card number for the credit card used to make a purchase; and

the second data processing device further comprises a storage unit for storing an account number for a settlement account for the credit card used for purchases, and

wherein the processor of the second data processing device executes a

transaction management process based on the card usage information read by the read

process for grouping and sorting payment amounts by the account number and

executes a calculation process for calculating totals for the sorted payment amounts.

(Page 1, [0009]: wherein a transaction is processed by automatically initiating payment

by the purchaser for the amount equal to the value of the transaction. Page 5, [0105]:

wherein the card is inserted at the ATM, in order to access user's account information,

the transaction system (#10) then asks the user to verify the PIN or the access code.

Once the transaction is confirmed the transaction information is then transmitted to the

vendor database where it is stored and used to update the system. This updating

process involves sorting of the transaction information based on product criteria. Fig.

17: where the system (#100) shows an ATM (#112) capable of reading cards and

processing information independently and in conjunction with the computer centers of

various financial institutions (#122A – 122D). The processors on the computer centers

of various financial institutions are the second data processing devices. (Page 2, [0048]:

These processors store transaction information that involves the financial institution for

various customers. Page 5, [0105]: wherein the card is inserted at the ATM, in order to

access user's account information, the transaction system (#10) then asks the user to

verify the PIN or the access code. Once the transaction is confirmed the transaction

information is then transmitted to the vendor database where it is stored and used to

update the system. This updating process involves sorting of the transaction information

based on product criteria. The financial institutions need to perform calculations in order

to process customer's financial transactions and to be able to provide customers with

periodic bank statements.)

As per claim 7: Nel shows:

A data processing system according to claim 1, wherein the portable storage device

includes means for contactlessly reading and writing the card usage information from

said first data processing device and said second data processing device respectively

(Page 2, [0057]: wherein the data input means includes an optical reading device that

performs transaction related functions.).

As per claim 8: Nel shows:

A data processing system according to claim 3, wherein the card usage information

includes a product name for which payment was made or a store name to which

payment was made, and

    wherein the second data processing device includes means for printing or

displaying the product name or store name and payment amount read from the portable

storage device (Fig. 6c: where the product chosen is confirmed. Fig. 16 (a): where the

user is requested to enter product and other relevant information in order to carry out

the transaction successfully.).

As per claim 9: Nel shows:

A data processing system according to claim 8, wherein the card usage information

includes information relating to the payment method of the credit card used to make a

purchase, and

wherein the second data processing device includes means for printing or

displaying the payment method and payment amount read from the portable storage

device (Fig. 14 (a) – 16 (a): where the customer account is verified; any additional

information pertaining to the transaction is also requested to be entered in order to

ensure that the transaction can be carried out accurately, this includes specifying

payment method (i.e. credit card, line of credit, etc.) and payment amount.).

Claims 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Nel (2001/0002468) in view of Alberth Jr. et al. (7,206,847).

As per claim 10: Nel shows:

A data processing method for use by a credit card user having one or more credit cards

comprising the steps of:

although Nel shows a portable storage device (page 4, [0096]) and credit card

account (Fig. 6(b) and 6(c)), Nel does not explicitly show "for use by a credit card user

having one or more credit cards ". Alberth shows "for use by a credit card user having

one or more credit cards " (Fig. 1, lines 15 – 24: where the system in Alberth utilizes a

two part personal storage device, or a smart card, to store credit card numbers, bank

account numbers, etc. This card would be utilized for storing information about one or

more credit cards that would be utilized for making purchase transactions.). It would

have been obvious to one of ordinary skill in the art at the time the invention was made

to provide the teachings of **Alberth** in the system of **Nel**, in order to enhance the

security of personal data storage device (smart card) by providing to the smart card an

additional layer of security in the form of an enabling key, which when coupled to the

smart card enables the processor on the smart card to access and change storage

information (column 1, lines 50 – 55: where the combination of the smart card

information storage system to the system of Nel would allow customers to utilize

multiple cards and store pertinent information with added security against fraudulent

practices and loss of data.).

providing the credit card user with a portable storage device having a rewritable

nonvolatile memory unit for storing card usage information for one or more credit cards

used to make a purchase, with the portable storage device being independent of the

credit cards (Page 4, [0096]: where the portable storage device is used to transfer

information from one machine to another.);

generating card usage information for a payment made with one of said credit

cards when a credit card is used to make a purchase (Page 1, [0028]: where a record is

printed and maintained as proof of a transaction.);

writing the card usage information to the portable storage device (Page 4, [0096]:

where the portable storage device is used to transfer information from one machine to

another.);

reading the card usage information for each credit card written to the portable

storage device (Page 4, [0096]: where the portable storage device is used to transfer

information from one machine to another.); and

[[running]] creating a transaction management process under the sole control of

the card user and running the transaction management process in the portable storage

device based on the read card usage information (Fig. 6-10: where the credit card user/

purchaser has the ability to navigate various screens and choose products and services

of his/her choice and utilize payment methods that best suit him/her, thus the credit card

user has control over the running of the transaction management process. Page 4,

[0096]: where the portable storage device is used to transfer information from one

machine to another. A transaction requires the writing, reading, and running function to

be successfully stored or transferred into a portable storage device, like a smart card.

Since the user has the possession of the credit card, and the user would need to input

information to verify his or her identity in order for the transaction to proceed, the user

exercises control over the transaction management process. The process is activated

by the user swiping the card in the card reader; this involves exercising control over the

activation of the processor.).

As per claim 11: Nel shows:

A data processing method according to claim 10, wherein the card usage information includes a payment amount and credit card number for the credit card used to make a purchase; and

the transaction management process executes a sorting process for grouping payment amounts by credit card number and a calculation process for calculating totals for the sorted payment amounts.

(Page 1, [0009]: wherein a transaction is processed by automatically initiating payment by the purchaser for the amount equal to the value of the transaction. Fig. 14 (a) – 16 (a): where the customer account is verified. Page 5, [0105]: wherein the card is inserted at the ATM, in order to access user's account information, the transaction system (#10) then asks the user to verify the PIN or the access code. Once the transaction is confirmed the transaction information is then transmitted to the vendor database where it is stored and used to update the system. This updating process involves sorting of the transaction information based on product criteria. The use of a portable storage medium may be made for transfer of information from one entity to another.)

As per claim12: Nel shows:

A data processing method according to claim 11, wherein the card usage information further includes a payment deadline for the credit card used for purchases; and

the transaction management process calculates the total of payment amounts included within the payment deadline in a billing month specified by an operator.

(Page 5, [0106]: where if the purchaser does not have enough fund in his or her account, the purchaser is given an opportunity to utilize his or her credit card account(s) for making payments. Such credit card account(s) has payment deadline, and monthly billing processes. The billing process involves calculation of the total payment amount included within the billing month specified.

Page 5, [0110]: where if the purchaser does not have enough fund in his or her account, the purchaser is given an opportunity to utilize credit facilities based on credit evaluation criteria. Such credit facilities have payment deadlines, and monthly billing processes. The billing process involves calculation of the total payment amount included within the billing month specified.).

As per claim 13: Nel shows:

A data processing method according to claim 10, wherein the card usage information includes a payment amount and credit card number for the credit card used to make a purchase,

the account number of a settlement account for the credit card used to make a purchase is pre-stored, and

the transaction management process executes a sorting process for grouping payment amounts by account number, and a calculation process for calculating totals for the sorted payment amounts.

(Page 1, [0009]: wherein a transaction is processed by automatically initiating payment by the purchaser for the amount equal to the value of the transaction. Fig. 14 (a) – 16 (a): where the customer account is verified. Page 5, [0105]: wherein the card is inserted at the ATM, in order to access user's account information, the transaction system (#10) then asks the user to verify the PIN or the access code. Once the transaction is confirmed the transaction information is then transmitted to the vendor database where it is stored and used to update the system. This updating process involves sorting of the transaction information based on product criteria.

Fig. 1: shows a transaction system (#10) where a transaction between a vendor and a purchaser is performed, where an ATM (#12) may be utilized to make payments. In this case, the use of ATM (#12) necessitates the pre-establishment and storage of an account.).

As per claim 14: Nel shows:

A data processing method according to claim 13, wherein the card usage information further includes a payment deadline for the credit card used for purchases; and

the transaction management process calculates the total of payment amounts included within the payment deadline in the billing month specified by the operator,

receives the account balance of the settlement account for the credit card used for purchases,

compares the total of payment amounts included within the payment deadline in the specified billing month with the account balance, and

determines and reports if the settlement amount due from the settlement account can be debited.

(Page 5, [0106]: where if the purchaser does not have enough fund in his or her account, the purchaser is given an opportunity to utilize his or her credit card account(s) for making payments. Such credit card account(s) has payment deadline, and monthly billing processes. The billing process involves calculation of the total payment amount included within the billing month specified.

Page 5, [0110]: where if the purchaser does not have enough fund in his or her account, the purchaser is given an opportunity to utilize credit facilities based on credit evaluation criteria. Such credit facilities have payment deadlines, and monthly billing processes. The billing process involves calculation of the total payment amount included within the billing month specified.

Fig. 6(b), [0106]: shows a check procedure to verify that an account from which funds are to be transferred has sufficient funds. In order to access the sufficiency of funds in an account, the system has to calculate the total payment to be made by the customer, the amount of funds in the account utilized for making the payment, and then compare the two to make sure that the account has enough funding to be able to make the payment.).

As per claim 15: Nel shows:

A computer-readable recording medium accessible to a credit card user for storing a computer program which implements a data processing method in a data processing device for reading and writing information to a portable storage device having a rewritable nonvolatile memory unit for storing credit card usage information for each one or more credit cards of said credit card user when used to make a purchase with said computer program including a read program to implement a read process for

reading card usage information from the portable storage device representative or purchases made by one or more of said credit cards ((Page 4, [0096]: where the portable storage device is used to transfer information from one machine to another.); and

including a transaction management program created under the sole control of the credit card user for implementing the running of [a] the transaction management process based on card usage information read by the read process (Fig. 6-10: where the credit card user/ purchaser has the ability to navigate various screens and choose products and services of his/her choice and utilize payment methods that best suit him/her, thus the credit card user has control over the running of the transaction management process. Page 4, [0096]: where the portable storage device is used to transfer information from one machine to another. Page 1, [0028]: where a record is printed and maintained as proof of a transaction. A transaction requires the writing, reading, and running function to be successfully stored or transferred into a portable storage device, like a smart card. Since the user has the possession of the credit card, and the user would need to input information to verify his or her identity in order for the

transaction to proceed, the user exercises control over the transaction management

process. The process is activated by the user swiping the card in the card reader; this

involves exercising control over the activation of the processor.).

As per claim 16: Nel shows:

A computer-readable recording medium according to claim 15 wherein the card usage

information includes a payment amount and credit card number for the credit card used

to make a purchase; and

wherein the transaction management process runs a sorting process for grouping

payment amounts by credit card number and a calculation process for calculating totals

for the sorted payment amounts.

(Page 4, [0096]: where the portable storage device is used to transfer information from

one machine to another. Page 1, [0028]: where a record is printed and maintained as

proof of a transaction. A transaction requires the writing, reading, and running function

to be successfully stored or transferred into a portable storage device, like a smart card.

Page 1, [0009]: wherein a transaction is processed by automatically initiating payment

by the purchaser for the amount equal to the value of the transaction. Fig. 14 (a) – 16

(a): where the customer account is verified. Page 5, [0105]: wherein the card is inserted

at the ATM, in order to access user's account information, the transaction system (#10)

then asks the user to verify the PIN or the access code. Once the transaction is

confirmed the transaction information is then transmitted to the vendor database where

it is stored and used to update the system. This updating process involves sorting of the

transaction information based on product criteria. The use of a portable storage medium

may be made for transfer of information from one entity to another.)

As per claim 17: Nel shows:

A computer-readable recording medium according to claim 15 wherein the card usage

information includes a payment amount and credit card number for the credit card used

to make a purchase; and

wherein the transaction management process runs a sorting process for grouping

payment amounts by the account numbers of the settlement accounts for the credit

cards used for purchases, and a calculation process for calculating totals for the sorted

payment amounts.

((Page 1, [0009]: wherein a transaction is processed by automatically initiating payment

by the purchaser for the amount equal to the value of the transaction. Fig. 14 (a) – 16

(a): where the customer account is verified. Page 5, [0105]: wherein the card is inserted

at the ATM, in order to access user's account information, the transaction system (#10)

then asks the user to verify the PIN or the access code. Once the transaction is

confirmed the transaction information is then transmitted to the vendor database where

it is stored and used to update the system. This updating process involves sorting of the

transaction information based on product criteria.

Fig. 1: shows a transaction system (#10) where a transaction between a vendor and a

purchaser is performed, where an ATM (#12) may be utilized to make payments. In this

case, the use of ATM (#12) necessitates the pre-establishment and storage of account

information.).

As per claim I8: Nel shows:

A data processing device accessible for use by a credit card user having one or more

credit cards for processing and managing credit card usage of the credit card user

based upon credit card information stored in a rewritable nonvolatile memory of a

portable credit card device provided to said credit card user independent of said credit

cards wherein the data processing device comprises a processor, which includes a

transaction management program created under the sole control of the credit card user

for running [a read] the transaction management process to read card usage

information from said portable credit card device for said one or more credit cards when

used by the credit card user to make a card purchase.

(Fig. 6-10: where the credit card user/ purchaser has the ability to navigate various

screens and choose products and services of his/her choice and utilize payment

methods that best suit him/her, thus the credit card user has control over the running of

the transaction management process. Page 1, [0009]: wherein a transaction is

processed by automatically initiating payment by the purchaser for the amount equal to

the value of the transaction. Page 5, [0105]: wherein the card is inserted at the ATM, in

order to access user's account information, the transaction system (#10) then asks the

user to verify the PIN or the access code. Once the transaction is confirmed the

transaction information is then transmitted to the vendor database where it is stored and

used to update the system. This updating process involves sorting of the transaction

information based on product criteria. Fig. 17: where the system (#100) shows an ATM

(#112) capable of reading cards and processing information independently and in

conjunction with the computer centers of various financial institutions (#122A – 122D).

The processors on the computer centers of various financial institutions are the second

data processing devices. Page 2, [0048]: These processors store transaction

information that involves the financial institution for various customers. The financial

institutions need to perform calculations in order to process customer's financial

transactions and to be able to provide customers with periodic bank statements.).

As per claim 19: Nel shows:

A data processing device according to claim I8, wherein the card usage information

includes a payment amount and credit card number for the credit card used to make a

purchase; and

wherein the processor of said date processing device executes a transaction

management process based on the card usage information read by the read process for

grouping and sorting payment amounts by credit card number and for executing a

calculation process for calculating totals for the sorted payment amounts.

(Page 1, [0009]: wherein a transaction is processed by automatically initiating payment

by the purchaser for the amount equal to the value of the transaction. Page 5, [0105]:

wherein the card is inserted at the ATM, in order to access user's account information,

the transaction system (#10) then asks the user to verify the PIN or the access code.

Once the transaction is confirmed the transaction information is then transmitted to the

vendor database where it is stored and used to update the system. This updating

process involves sorting of the transaction information based on product criteria. Fig.

17: where the system (#100) shows an ATM (#112) capable of reading cards and

processing information independently and in conjunction with the computer centers of

various financial institutions (#122A – 122D). The processors on the computer centers

of various financial institutions are the second data processing devices. Page 2, [0048]:

These processors store transaction information that involves the financial institution for

various customers. The financial institutions need to perform calculations in order to

process customer's financial transactions and to be able to provide customers with

periodic bank statements.).

As per claim 20: Nel shows:

A data processing device according to claim 19, wherein the card usage information

further includes a payment deadline for the credit card used for purchase; and

the data processing device further comprise an input unit for specifying a billing

month for the credit card (Abstract, Summary: where the transactions performed by the

user will be billed to the user on a periodic basis.). It would have been obvious to one of

ordinary skill in the art at the time of the invention to modify Nel with the ability to allow

users to select the billing month for the credit card payment so that the user could

exercise discretion on when it might be the best for him/her to pay the bill from a

financial stand point.),

wherein the processor of the data processing device includes means for

calculating the total of payment amounts included within the payment deadline in the

billing month specified using the input unit ([0102], [0113]: where Nel shows a totalizer).

Response to Arguments

Argument #1

Applicant argues that the prior art of reference does not show the limitation "a

portable storage device independent of the credit card used to make a credit card

purchase, said storage device having a rewritable nonvolatile memory unit for storing

credit card usage information of purchase transactions by the credit card user for each

of said one or more credit cards".

The applicant argues that the cited portions of prior art Nel, Page 4, [0096], do

not show the claimed limitation. Applicant asserts that instead Nel shows "a single smart

card to be used for placement into the ATM machine which does not imply or suggest a

portable storage device independent of the credit card used." The applicant also asserts

that Nel shows that the "user must use a separate portable storage device for each

credit card."

Response to Argument #1

Applicant's arguments have been fully considered; however, the examiner

respectfully disagrees.

The examiner maintains that the prior art Nel shows the limitation "a portable

storage device independent of the credit card used to make a credit card purchase, said

storage device having a rewritable nonvolatile memory unit for storing credit card usage

information of purchase transactions by the credit card user for each of said one or more credit cards" on page 4, [0096].

Nel shows "[0096] The system software, or part thereof, and transaction-related information could also be stored on portable storage means which is carried by a purchaser, and which allows the purchaser to utilize the transaction system 10. Such portable storage means could be a card having memory means, such as a "smart card", or a simple 31/2" or 51/4" computer diskette. The purchaser would then insert the portable storage device into an appropriate reader provided at the ATM to download the system software into the memory of the ATM 12" (Page 4, [0096].

Nel also shows a credit card account [0106] with a credit card associated with it, which is independent of the portable storage means. The prior art does not explicitly or implicitly show that the credit card being used in [0096] is the same as the smart card shown in [0106].

Argument #2

Applicant argues limitation "a second data processing device under the control of the credit card user comprising a processor for running a read process to read card usage information for each credit card written to the portable storage device" in claim 1. The applicant argues that the prior art does not show "under the control of the credit card user".

Response to Argument #2

Applicant's arguments have been fully considered, however, the examiner respectfully disagrees. The examiner asserts that the prior art shows "under the control of the credit card user", where Nel, for instance, shows the portable storage device can be swiped to initiate the ATM to read and download system software [0096]. Here, Nel shows the data being read and processed from a portable storage device like a "smart card".

Argument #3

Applicant argues that the prior art Nel in view of Yoshida does not explicitly show "a payment deadline" and/or a "billing month".

Response to Argument #3

Applicant's arguments have been fully considered, however, the examiner respectfully disagrees. Yoshida, as acknowledged by the applicant in the remarks made by the applicant on 11/04/2008 (page 13), teaches the concept of "confirming payment by a deadline". Yoshida, further, shows a "payment information notification unit" (abstract), which refers to transaction details and notifies users of transaction details and deadlines. A payment deadline includes both a deadline date and a deadline month. The deadline month is the billing month. Besides, Nel shows "transaction detail" print outs for each month.

The examiner also notes Nel shows an account, such as a credit card account which is used to make payments for purchase transactions ([0106]). A credit card or charge card has a periodic billing statement, where the balance accumulated on

the card over a certain period of time is paid by the consumer. Every billing statement

has a deadline.

Argument #4

Applicant also argues limitation "storage unit of the second data processing

device further stores balance data for the settlement account". Applicant states that the

prior art of record does not show "storing balance data for the settlement account".

Response to Argument #4

Applicant's arguments have been fully considered, however, the examiner

respectfully disagrees. The examiner asserts that the prior art shows the claim limitation

stated in the argument above; for instance, the examiner points to Nel paragraphs

[0089]-[0095] and figs. 6a-6c, where the storage of transaction records is shown to

provide support for the claim limitation.

Argument #5

Applicant argues that the prior art does not show calculation of total payment

amounts included within the payment deadline.

Response to Argument #5

Applicant's arguments have been fully considered, however, the examiner

respectfully disagrees. The examiner would like to point to paragraph [0110] and figs.

6a-6c in Nel, for instance, to show that the system in Nel is checking for payment

sufficiency in customer accounts and then if the amount for payment exceed the

available account balance in the customer account then the system can also provide

financing options to assist purchasers in their payment account settlement process.

A calculation of the total payment would need to be performed before the funds

sufficiency in customer accounts could be determined.

As the remaining claims depend directly or indirectly from the amended

independent claims, the examiner maintains that Nel, Alberth, and Yoshida either in

obvious combination or individually clearly teach all limitations argued and presented by

the applicant in the claims as currently they have been amended.

Examiner's Note:

Examiner has pointed out particular references contained in the prior arts of

record in the body of this action for the convenience of the applicant. Although the

specified citations are representative of the teachings in the art and are applied to the

specific limitations within the individual claim, other passages and figures may apply as

well. It is respectfully requested from the applicant, in preparing the response, to

consider fully the entire references as potentially teaching all or part of the claimed

invention, as well as the context of the passage as taught by the prior arts or disclosed

by the examiner

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Canelones; Dawn Marie et al. (US 6802007) Privacy and security for smartcards in a method, system and program. Owurowa, Fori et al. (US 20040103000) Portable system and method for health information storage, retrieval, and management.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NANCY MEHTA whose telephone number is (571)270-3265. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm, alt. Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nancy Mehta

/Nga B. Nguyen/

Primary Examiner, Art Unit 3692